



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,621	10/24/2003	Jukka Alve	4208-4143 (Nokia 28764)	7186
27123	7590	04/21/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
SHERR, CRISTINA O				
ART UNIT		PAPER NUMBER		
3621				
NOTIFICATION DATE		DELIVERY MODE		
04/21/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com

Shopkins@Morganfinnegan.com

jmedina@Morganfinnegan.com

## Office Action Summary

**Application No.**

10/691,621

**Applicant(s)**

ALVE, JUKKA

**Examiner**

CRISTINA OWEN SHERR

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-8,12-14,16,18-22,25-37 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,12-14,16,18-22,25-37 and 39-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to Applicant's amendment filed December 13, 2007.

Claims 1, 7, 13, 14, 22, 25, 36, 37, 49, 50, 51, and 52 have been amended. Claims 1, 2, 6, 7, 8, 12, 13, 14, 16, 18-22, 25, 26-37, 39-53 are currently pending in this case.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 6, 7, 8, 12, 13, 14, 16, 18-22, 25, 26-37, 39-53, as currently amended have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 6, 7, 8, 12, 13, 14, 16, 18-22, 25, 26-37, 39-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser et al (US 5,835,595) in view of Wiser et al (US 6,385,596) further in view of Stefik et al (US 5,638,443).

4. Regarding claim 1 -

Fraser discloses a method of processing information in a communications device, comprising: receiving from a first remote device content encrypted with a content key (e.g. col 5 ln 1-4); transmitting a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content (e.g. col 5 ln 15-20).

5. Fraser does not teach, but Wiser does receiving from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device (e.g. col 4 ln 34-36); and decrypting the encrypted version of the content key with a private key of the communications device, the private key of the communications device corresponding to the public key of the communications device. (e.g. col 4 ln 10-40). Neither Fraser nor Wiser teach, but Stefik does, superdistributed content, in other words an additional layer of distribution. (e.g. col 3 ln 50 – col 4 ln 35) .

6. It would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and “bottlenecks” of having the keys stored and issued by the same device that stores and distributes the digital data. It would be obvious to combine Stefik with Wiser and Fraser motivated by the need for the convenience of sales and resales.

7. Regarding claim 2 –

Fraser discloses the method of claim 1, wherein step (b) comprises transmitting the public key of the communications device to the second remote device; (e.g. col 7 ln 25-40).

8. Regarding claim 6 –

Fraser discloses receiving one or more usage rules from the first remote device, wherein the usage rules correspond to the content; transmitting the one or more usage rules to the second remote device; receiving one or more modified usage rules from the

second remote device; and associating the one or more modified usage rules with the content (e.g. col 7 ln 25-40).

9. Regarding claim 7 -

Fraser discloses a communications device, comprising:

a first communications interface adapted to receive from a first remote device content encrypted with a content key; a module adapted to decrypt an encrypted version of the content key with a private key of the communications device, and (e.g. col 4 ln 1-15);

10. Fraser does not disclose, but Wiser does, a second communications interface adapted to (a) transmit a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content(e.g. col 4 ln 12-14), and (b) receive from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device, the public key of the communications device corresponding to the private key of the communications device (e.g. col 4 ln 10-40).

Neither Fraser nor Wiser teach, but Stefik does, superdistributed content, in other words an additional layer of distribution. (e.g. col 3 ln 50 – col 4 ln 35) .

11. As above, it would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and “bottlenecks” of having the keys stored and issued by the same device that stores and distributes the digital data. It would be obvious to combine Stefik with Wiser and Fraser motivated by the need for the convenience of sales and resales.

12. Regarding claims 8 and 12 –

Wiser discloses the device of claim 7, wherein the request includes the public key of the communications device; wherein the first communications interface is further adapted to receive one or more usage rules from the first remote device, the usage rules corresponding to the content; and wherein the second communications interface is further adapted to transmit the one or more usage rules to the second remote device; and to receive one or more modified usage rules from the second remote device (e.g. col 4 ln 13-41, col 6 ln 44-50, col 8 ln 40-65).

13. Regarding claim 13-

Fraser discloses a communications device, comprising: means for receiving from a first remote device content encrypted with a content key (e.g. col 5 ln 1-4); means for transmitting a request for the content key to a second remote device, the second remote device authorized to act on behalf of a provider of the content (e.g. col 5 ln 10-20).

14. Fraser does not disclose, but Wiser does means for receiving from the second remote device an encrypted version of the content key, wherein the encrypted version of the content key is encrypted with a public key of the communications device; and means for decrypting the encrypted version of the content key with a private key of the communications device, the private key of the communications device corresponding to the public key of the communications device (e.g. col 4 ln 20-40). Neither Fraser nor Wiser teach, but Stefik does, superdistributed content, in other words an additional layer of distribution. (e.g. col 3 ln 50 – col 4 ln 35) .

15. As above, it would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and “bottlenecks” of having the keys

stored and issued by the same device that stores and distributes the digital data. It would be obvious to combine Stefik with Wiser and Fraser motivated by the need for the convenience of sales and resales.

16. Regarding claim 14 -

Fraser discloses a system, comprising: a communications device adapted to receive from a remote device a content item encrypted with a content key (e.g. col 5 ln 1-4); and an authorized agent authorized to act on behalf of a content distributor (e.g. col 5 ln 10-20).

17. Fraser does not disclose, but Wiser does, the authorized agent adapted to provide the content key to the communications device (e.g. col 4 ln 20-40). Neither Fraser nor Wiser teach, but Stefik does, superdistributed content, in other words an additional layer of distribution. (e.g. col 3 ln 50 – col 4 ln 35) .

18. As above, it would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and “bottlenecks” of having the keys stored and issued by the same device that stores and distributes the digital data. It would be obvious to combine Stefik with Wiser and Fraser motivated by the need for the convenience of sales and resales.

19. Regarding claims 16, 18-21 –

Wiser discloses wherein the request includes a public key of the communications device, wherein the authorized agent is further adapted to provide to the communications device the content key encrypted with a public key of the communications device; further comprising the content distributor; further comprising

the remote device; wherein the remote device receives the content item from the content distributor; wherein the communications device, the remote device, and the authorized agent communicate with each other across one or more wireless communications networks (e.g. col 8 ln 40-50).

20. As above, it would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and "bottlenecks" of having the keys stored and issued by the same device that stores and distributes the digital data.

21. Regarding claim 22 -

Fraser discloses a method of facilitating distribution of content among devices in an authorized agent, comprising: (a) receiving authorization to act on behalf of a content distributor; (b) receiving from a communications device a request for a content key, the content key for decrypting a content item originally distributed by the content distributor; (c) encrypting the content key with a public key of the communications device (e.g. col 5 ln 1-25)

22. Fraser does not disclose, but Wiser does, (d) transmitting to the communications device the content key encrypted with the public key of the communications device (e.g. col 4 ln 10-35). Neither Fraser nor Wiser teach, but Stefik does, superdistributed content, in other words an additional layer of distribution. (e.g. col 3 ln 50 – col 4 ln 35) .

23. As above, it would be obvious to one of ordinary skill to combine the teachings of Fraser and Wiser in order to avoid the pitfalls and "bottlenecks" of having the keys stored and issued by the same device that stores and distributes the digital data. It



would be obvious to combine Stefik with Wiser and Fraser motivated by the need for the convenience of sales and resales.

24. Claims 25, 26-37, 39-53 are rejected under the same criteria as above.

25. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA OWEN SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3621

/Jalatee Worjloh/

Primary Examiner, Art Unit 3621